

### REMARKS

Claims 26-30, 32-55, 57-71, 73-76, 78, 79, 81-91, 93-99 and 103-107 are pending in the application, with claims 26, 34, 42, 51, 59, 67, 76 and 81-89 being independent. Claims 26, 34, 42, 51, 59, 67, 76, 82, 86, 93-95 and 103 have been amended. In particular, independent claims 26, 34, 42, 51, 59, 67, 76, 82 and 86 have been amended to recite that the gettering layer comprising phosphorus is formed over an entire surface of the semiconductor film by a CVD technique, as discussed in the application at, for example, page 11, lines 4-9. Claims 93-95 and 103 have been amended for consistency with the independent claims. No new matter has been added.

Claims 26-30, 32-55, 57-71, 73-76, 78, 79, 82, 86, 90, 91, 93-99 and 103-106 have been rejected for obviousness-type double patenting over claims 1-26 of U.S. Patent No. 6,544,826 (Yamazaki '826). Applicant requests reconsideration and withdrawal of this rejection because claims 1-26 of the '826 patent fail to describe or suggest forming a gettering layer comprising phosphorus over an entire surface of the semiconductor film using a CVD technique, as recited in each of claims 26, 34, 42, 51, 59, 67, 76, 82 and 86.

While Yamazaki '826 describes, at col. 5, lines 27-29, forming a gettering layer (107) by applying a phosphorus-containing solution, Yamazaki '826 fails to describe or suggest the use of a CVD technique to form this layer. The claims of Yamazaki '826 also fail to describe or suggest this feature. Accordingly, applicant requests reconsideration and withdrawal of this rejection.

With respect to the provisional double-patenting rejection of the claims for obviousness-type double patenting over the claims of application numbers 09/939,767 and 10/074,050, applicant will consider whether to file a terminal disclaimer based on the status and content of those claims when the claims of the present application are otherwise found to be allowable. Accordingly, applicant requests that these provisional rejections be held in abeyance at this time.

Applicant : Yamazaki, et al.  
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Enclosed is a \$880 check for the Request for Continued Examination fee (\$770) and the Petition for Extension of Time fee (\$110). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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